

13790. Adulteration and misbranding of vinegar. U. S. v. 95 Bottles of Vinegar. Default order of destruction entered. (F. & D. No. 14128. I. S. Nos. 9221-t, 9222-t, 9223-t. S. No. E-3027.)

On January 3, 1921, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 95 bottles of vinegar, remaining in the original packages at Augusta, Ga., alleging that the article had been shipped by Price-Booker Mfg. Co., from Cawthorn, Ala., on or about June 16, 1920, and transported from the State of Alabama into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Mission Brand Pure Apple Vinegar Prepared By Price-Booker Mfg. Co. Andalusia, Ala."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality, and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that distilled vinegar had been mixed with the article in a manner whereby damage and inferiority was concealed.

Misbranding was alleged for the reason that the statement borne on the labels, "Pure Apple Vinegar," was false and misleading and deceived and misled purchasers, since the said article consisted partly of distilled vinegar, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, to wit, pure apple vinegar.

On August 17, 1925, no claimant having appeared for the property, a decree of the court was entered, ordering that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13791. Adulteration and misbranding of olive oil. U. S. v. 150 Cans, et al., of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20013, 20014. I. S. Nos. 13946-v to 13950-v, incl. S. Nos. E-5292, E-5296.)

On April 21, 1925, the United States attorney for the District of Maine, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 166 gallon cans, 54 half-gallon cans, and 150 quart cans, of olive oil, at Portland, Me., alleging that the article had been shipped by Pace & Sons, from Boston, Mass., in various consignments, namely, on or about February 4 and 20 and March 2 and 28, 1925, respectively, and transported from the State of Massachusetts into the State of Maine, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Pure Italian Olive Oil. * * * Contents One Quart" (or "Contents One Half Gallon" or "Contents One Full Gallon").

Adulteration of the article was alleged in the libels for the reason that a substance, cottonseed oil, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged in substance for the reason that the following statements borne on the labels: "Pure Italian Olive Oil Cav. Rocco Pace & Figli Ortona A Mare (Italy) Products of Italy," (English and Italian) "This Oil Is Our Own Production And Is Guaranteed To Be Pure Under Any Chemical Analysis. * * * For * * * Medicinal Use," together with a cut of a castle, and olive sprays bearing olives, borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was falsely branded as to the country in which it was manufactured or produced, since it purported to be a product of Italy, whereas it was not, and for the further reason that it was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the alleged gallon cans of the product for the further reason that the statement "Contents One Full Gallon," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 5, 1925, Pace & Sons, Providence, R. I., claimants, having admitted the allegations of the libels and consented to the entry of decrees, judgments